REMARKS

The Examiner has rejected claims 1-15. Applicant has cancelled claims 1-15 without prejudice. Applicant has substituted claims 16-22 for examination. Applicant believes the new claims are novel and patentable over the cited art used by examiner to reject claims 1-15. For example, the Examiner relies on Li (US 6,141,353) for support that the different code symbol rates have a ratio equal a number other than one. The Examiner recites, Li describes a variable rate encoder. Applicant submits that the encoder in Li does not contemplate nor suggest to provide, as recited in claim 16, the first and second code symbol subsets having different code symbol rates to first and second modulators, wherein the data rate is equal to a combined of the different code symbol rates, the first and second modulators respectively modulating the first and second code symbol subsets according to first and second code symbol rate formats, respectively, wherein the different code symbol rates have a ratio equal a number other than one, to provide modulated first code symbol subset and second code symbol subset. Therefore, Applicant believes claim 22 is allowable over the cited references used by Examiner to reject claims 1-15.

Since all other claims are dependent on claim 22, all other claims are also allowable.

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<div align="right">PATENT</div>

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REQUEST FOR ALLOWANCE

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In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

<div align="center">Respectfully submitted,</div>

Dated: April 11, 2006 ____   By: _____

<div align="center">

S. Hossain Beladi, Reg. No. 42,311
(858) 651-4470

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QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5102
Facsimile: (858) 658-2502

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